

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

**AMERICAN COLLEGE OF  
PEDIATRICIANS**, on behalf of itself and its  
members;  
**CATHOLIC MEDICAL ASSOCIATION**, on  
behalf of itself and its members; and  
**JEANIE DASSOW, M.D.**,

*Plaintiffs,*

v.

**XAVIER BECERRA**, in his official capacity as  
Secretary of the United States Department of Health  
and Human Services; **UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES**; **LISA J. PINO**, in her official capacity  
as Director of the Office for Civil Rights of the U.S.  
Department of Health and Human Services; and  
**OFFICE FOR CIVIL RIGHTS OF THE U.S.  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES**,

*Defendants.*

No. 1:21-cv-00195-TAV-SKL

**ORAL ARGUMENT  
REQUESTED**

**PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, Plaintiffs move for partial summary judgment on the following claims:

- Claims against the Section 1557 Gender Identity Mandate:
  - Claim One: Administrative Procedure Act;
  - Claim Two: First Amendment Free Speech;
  - Claim Three: Religious Freedom Restoration Act;
  - Claim Four: First Amendment Free Exercise of Religion;
- Claim Six against the Grants Gender Identity Mandate (Administrative Procedure Act, Free Speech, RFRA, and Free Exercise);
- Claim Seven against the Delay of the Sunset Rule (Administrative Procedure Act, Regulatory Flexibility Act).

Attached to this motion is Plaintiffs' brief in support, which through citation to the record and the law shows that there is no genuine dispute as to any material fact and the movants are entitled to judgment as a matter of law. Plaintiffs also filed a consent motion to exceed the page limits for that brief (ECF No. 26).

Plaintiffs seek the following relief from the Court granting this motion:

- Declaratory relief that the Section 1557 Gender Identity Mandate, the Grants Gender Identity Mandate, and the Delay Rule of the SUNSET Rule (as described in the brief in support) are unlawful, set aside, and vacated;
- Permanent injunctive relief against Defendants' enforcement or implementation of the Section 1557 Gender Identity Mandate, the Grants Gender Identity Mandate, or the Delay Rule of the SUNSET Rule;
- Compelling agency action unlawfully withheld under the APA, requiring HHS to allow the 2021 repeal of the Grants Gender Identity Mandate to go into effect.

Pursuant to this Court's rules and procedures Plaintiffs will email a proposed form of order to the Court and to Counsel for Defendants.

Respectfully submitted, this 7th day of January 2022.

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## **CERTIFICATE OF SERVICE**

I hereby certify that I served this motion with the Clerk of Court and all parties using the ECF system.

Dated: January 7, 2022

*s/ Matthew S. Bowman*

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